**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

SECOND APPEAL NO.58 OF 2006

Gavadu Rama Patil & Ors. .. Appellants.
Vs.
Maruti Laxman Patil .. Respondent.

Mr.G.N.Salunke for the appellants.
Mr.Y.A.Sakhare i/b Y.K.S.Legal for the respondent.

**CORAM : D.B.BHOSALE, JJ.**
**DATED : 5TH JULY, 2007.**

**P.C.:**

. Heard learned counsel for the appellants and respondent.

2. This appeal is directed against concurrent findings recorded by the courts below by which a suit filed by the respondent-plaintiff for injunction simplicitor has been decreed. The injunction was sought on the ground that he has purchased the suit property and he holds title thereof. Mr.Salunke, learned counsel for the appellants assailed the judgment mainly on the ground that before purchasing the land, the plaintiff did not obtain permission of the Divisional Commissioner which was necessary in view of the fact that the suit land is covered by Here Saranjam (Abolition of Watan) Act, 1952 (for short "the said Act"). I perused the impugned

judgments and more particularly paragraph 6 in the judgment of the appellate court. This argument has been dealt with by the Appellate court. A reference to the Government Resolution dated 31.5.2001 has been made in which the Government resolved to regularise all sale transactions, in respect of the lands covered under the said Act, effected without permission under the said Act. In pursuance of this resolution the respondent-plaintiff has already filed an application for regularisation. In the circumstances this submission of Mr.Salunke must be rejected. I am satisfied that the plaintiff has proved the possession over the suit land referable to title on the date of institution of the suit. Considering the findings of fact recorded by the courts below and as I find sufficient material on record to sustain those findings and considering extremely limited jurisdiction of this court to disturb the findings of fact in the second appeal, it is dismissed.

**(D.B.BHOSALE, J.)**